



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,225	04/09/2001	Antonio R. Bogat	8594	8621

26890 7590 10/21/2005

JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD, WHQ4
DAYTON, OH 45479

EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MAILED

OCT 21 2005

Technology Center 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/829,225
Filing Date: April 09, 2001
Appellant(s): BOGAT, ANTONIO R.

Gregory A. Welte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/29/2005 appealing from the Office action mailed 2/17/2005.

h

h

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement describing the status of the claims is correct.

(4) *Status of Amendments*

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of the Invention*

The summary of the invention in the brief is correct.

(6) *Issues*

The Appellant's statement of the issues contained in the brief is correct.

(7) *Grouping of the Claims*

The following groups of claims stand or fall together: claims (1-2), claims (5, 8-9), and claims (10, and 12).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Lemay, "Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996, pages 178-179, 186-191.

(Pat. # 6,029,182), Nehab, 2/22/2000

(Pat. # 6,449,739 B1), Landan, 9/10/2002, filed on 1/17/2000.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The rejection of claim 18 under 35 USC 112, 2nd parag, has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-6, and 8-11 remain, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemay et al, "Web Workshop JavaScript", hereinafter Javascript, Sams.net, 1996, pages 178-179, 186-191.

Regarding independent claim 1, Javascript discloses the prompting, and storing of a user's name in a cookie in order to remember the user when the user—*first visitor*-- comes back

to a web page –*web site* (page 187-189, fig. 9.6). The user's name serves to identify the user to the web site, whenever the user visits the site.

In addition, Javascript discloses that a user can store cookies having preferences, such as a user's name. Whenever the user comes back to the web page, this user is remembered, and if a name has been previously stored in the cookie, a javascript is used—*performing first background search on the first visitor--* to greet the user by displaying the user's name on the web page (page 187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting first information from a collection of information* reflecting the user's stored preferences.

Furthermore, Javascript teaches a server sending and outputting a web page, containing the user's name, to a user—*transmitting the first information to the first visitor* (page 179, lines 1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding claim 2, which depends on claim 1, Javascript discloses the prompting, and storing of a user's name in a cookie in order to remember each user that accesses a web page, when the user—*second visitor--* comes back to a web page –*web site* (page 179, 187-189, fig. 9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by the user(s).

In addition, Javascript discloses that a user(s) can store cookies storing preferences, such as a user's name. Whenever the user comes back to the web page, this user is remembered, and if a name has been previously stored, a javascript is used—*performing second background search on the second visitor--* to greet the user by displaying the user's name on the web page (page

Art Unit: 2178

187-189, fig. 9.6). The name is retrieved from the javascript and displayed on a web browser—*selecting from the collection of information second information* reflecting each user's stored preferences. In other words, a user's name is displayed, whenever each user visits a web page or site to be able to track or tell different users.

Furthermore, Javascript teaches a server sending or outputting a web page, containing the user's name, to each user—*transmitting the first information to the second visitor* (page 179, lines 1-12, page 187, lines 1-8, pages 188-189, fig. 9.6).

Regarding independent claim 5, Javascript discloses a user viewing a web page in accordance to users' predetermined preferences, whenever each user returns to the web page, using links such as targeted links—*an inquiry by a user to the web site* (page 178-179, 187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is viewed based upon the user's preferences (page 179, and 187). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page (containing information such as frames—*first and second information*) is sent and displayed to a user, in accordance to the user's preferences —*estimating whether the user possesses selected characteristics or preferences and based on the estimate selecting first and second information from a collection of information*.

Regarding claim 6, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187).

Regarding claim 8, which depends on claim 5, Javascript discloses the prompting, and storing of a user's name—*specific identity of the visitor*-- in a cookie in order to remember each user that accesses a web page, when the user comes back to a web page (page 179, 187-189, fig. 9.6). The user's name serves to identify the user(s) to the web site, whenever the site is visited by the user(s).

Regarding claim 9, which depends on claim 8, Javascript discloses the display of a web page using a cookie, which only contains the user's name as a preference—*no characteristics in addition to the specific identity of the individual*--- whenever the user comes back to a web page (page 187-189, fig. 9.6).

Regarding independent claim 10, Javascript discloses a user viewing a web page in accordance to users' predetermined preferences, whenever each user returns to the web page, using links such as targeted links—*receiving an inquiry by a user to the web site* (page 178-179, 187-189).

Furthermore, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered—*ascertaining identity*

of the visitor using the cookie-- and the web page is viewed based upon the user's preferences—*visitor-specific information* (page 178-179, and 187). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page (containing information such as frames—*response information*) is sent and displayed to a user, in accordance to the user's preferences.

Claim 11 is directed towards a method for implementing the steps found in claim 6, and therefore is similarly rejected.

Regarding claim 14, which depends on claim 1, Javascript, teaches sending a web page, having multiple frames—*first information made visible to the first visitor*, to be displayed to the user based on user's preferences (page 179, and 187).

Regarding claim 15, which depends on claim 2, Javascript, teaches sending a web page, having multiple frames—*second information made visible to the second visitor*, to be displayed to the user based on user's preferences (page 179, and 187). In other words, when another user accesses the web site from his computer, the web page with multiple frames of information is presented according to that user's preferences.

Art Unit: 2178

Regarding claim 16, which depends on claim 5, Javascript, teaches sending a web page, having multiple frames—*first and second information made visible to the visitor*, to be displayed to the user based on user's preferences (page 179, and 187).

Regarding claim 17, which depends on claim 10, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered—*ascertaining identity of the visitor* using the cookie-- and the web page is viewed based upon the user's preferences (page 178-179, and 187, fig.9.6). In other words, whenever a user returns to a web page or site, a server determines if there is a cookie associated with the user. If there is a cookie with preferences stored in association with the user, then the web page containing the user's name (containing information such as frames—*response information, and visitor-specific information*) is sent and displayed to a user, in accordance to the user's preferences.

3. Claims 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nehab et al, hereinafter Nehab (Pat. # 6,029,182, 2/22/2000).

Regarding independent claim 13, Nehab discloses accepting a user command to browse or traverse a hypermedia link—*receiving an inquiry from a visitor to the web site* (col.8, lines 35-39).

Moreover, Nehab discloses the creation of a rule for later duplicating the selections made by the user's commands, such as specifying that newspaper articles under certain heading should

Art Unit: 2178

be retrieved (col.8, lines 38-67). In other words, the web page is constructed based on what the web site thinks the user might like, by looking at the command used by the user to retrieve a web page—*making an estimate of selected characteristics of the visitor*.

Moreover, Nehab discloses the prompting a user to set an automatic newspaper delivery time for sending the newspaper to the user. A web retrieval system is launched automatically at the time designated by the user, and retrieval of articles based on a personal profile from appropriate web sites. The profile contains both the created rule-- *the estimate*-- and user-specified preferences (col.10, lines 21-36)—*asking the visitor whether customer-specific information is desired and if so, deriving customer-specific information from a collection of information based on the estimate, based on the inquiry, selecting second information from the collection*.

Furthermore, Nehab discloses the formatting of the retrieved information (both rule, and user preferences based) into a personalized newspaper over the Internet, sending and storing it for later viewing in the user's computer (col.10, lines 30-44, col.11, lines 60-col.12, line 37, fig.6)—*compiling the customer-specific information and the second information into a message, and transmitting the message to the visitor*.

Regarding claim 18, which depends on claim 13, Nehab discloses the formatting of the retrieved information articles —*customer-specific and second information made visible to the visitor*—(both rule, and user preferences based) into a personalized newspaper over the Internet, sending and storing it for later viewing in the user's computer (col.10, lines 30-44, col.11, lines 60-col.12, line 37, fig.6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript, in view of Nehab et al, hereinafter Nehab (Pat. # 6,029,182, 2/22/2000).

Regarding claim 3, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the first background research comprises contacting another website*. Nehab teaches a learning mode for creating a log of several web sites visited by a user in order to duplicate the user's navigation preference (col.8, lines 33-67). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Nehab, because Nehab teaches allowing a user the benefit of scanning personalized data and read this data, which is relevant to the user's preferences, and which doesn't include too much information, in a natural fashion (col. 2, lines 1-10, 40-67), thereby preventing overwhelming a second user with voluminous, and irrelevant information.

Regarding claim 4, which depends on claim 2, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the second background research comprises contacting the other website*. Nehab teaches a learning mode for creating a log of several web sites visited-- *second background research*-- by a user(s) in order to duplicate the user's navigation preference (col.8, lines 33-67). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Nehab, because Nehab teaches allowing people—*first, second, third visitors*...-- the benefit of scanning personalized data and read this data, which is relevant to the user's preferences, and which doesn't include too much information, in a natural fashion (col. 2, lines 1-10, 40-67), thereby preventing overwhelming a second user with voluminous, and irrelevant information.

6. Claims 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Javascript, in view of Landan (Pat. # 6,449,739 B1, 9/10/2002, filed on 1/17/2000).

Regarding claim 7, which depends on claim 1, Javascript discloses that a user(s) can store cookies having preferences. Whenever the user comes back to the web page, this user is remembered, and the web page is sent to the user and viewed based upon the user's preferences (page 179, and 187). Javascript fails to explicitly disclose: *the message comprises an electronic mail message*. Landan teaches disseminating customized web reports via email (col.8, lines 50-

Art Unit: 2178

54). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have combined Javascript, and Landan, because Landan teaches the prompt notification of system administrators when a problem occurs in a web site (col. 2, lines 1-24-50, col.3, lines 27-67), thereby allowing system administrators a mechanism to quickly respond to web site problems.

Claim 12 is directed towards a method for implementing the steps found in claim 7, and therefore is similarly rejected.

(11) Response to Argument

Art Unit: 2178

Regarding claim 1, the Appellant indicates that the Examiner has used a single event to teach 3 limitations (page 6). The Examiner disagrees, because Javascript discloses the following:

TABLE	
Recitation of Claim 1	Element in Javascript Used to Show Claim Recitation
a) identifying a first visitor to the web site	Prompting and storing user's name, pages 187-188, listing 9.9
b) performing first background research on the first visitor;	Javascript search of user's name upon user's return to the website, page 188
c) based on the background research selecting first information from a collection of information; and	Selecting the user's name from the cookie file, pages 187-188,
d) transmitting the first information to the first visitor.	Sending back cookie data, and displaying the user's name from cookie file, page 179, lines 1-12, page 187, par.2, pages188-189, fig.9.6

Moreover, the Appellant submits that there is no identifying in Javascript (page 14, par.2). The Examiner disagrees, because Javascript teaches that a client computer prompts a user to enter a name, so that the name could be stored in a cookie file (pages 187, page188, par.2, listing 9.9). In other words, the user is identified by the computer by the name input.

The Appellant have submitted two analogies. The first analogy refers to the undersigned attorney greeting and telling his name to a dog. The second one consists of a person making a copy of a driver's license (page 14). According to the Appellant, neither the relaying of the name to the dog, nor the copying of the driver's license is equivalent to an identification of the persons to the dog, and copier respectively.

The Examiner would like to point out that the comparison of a dog, and a copier to a computer is not necessarily the best of comparisons. A computer can perform a lot of tasks that cannot be performed by either a dog, or a copy machine. Computers have the capability of artificial intelligence; It can interact with a person visually, audibly, via touch, etc. Therefore, to imply that a computer is not capable intelligently interacting with a user, is not entirely correct.

It seems that the Appellant is reading more into the claims than what is cited. Claim 1 simply states "identifying a first visitor to the web site". It does not indicate who is doing the identifying, how the identification is performed, etc. Javascript teaches a user identifying himself to a website, by entering his name into a prompt (pages 187-188, listing 9.9). The claim does not specify as to who is doing the identification of the user to the website. Therefore, Javascript teaches the broad teaching of the limitation.

The Appellant notes that the name in the cookie does not necessarily correspond to the user of the computer, and that in this case misidentification would take place (page 15, parag.5-

Art Unit: 2178

6). According to the rejection, it is the user who is identifying himself to the website, and not the cookie, as purported by the Appellant.

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "content of the cookies in Javascript is not transmitted to any web site." Thus, the web site being visited by a visitor never obtains the name in the cookie." page 16) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 does not recite the transmission of any information from the website to the client. In addition, this claim does not preclude steps (b-c) from being implemented outside the website on the client's computer, another server, etc.

Further, the Appellant indicates that displaying the user's name to the user is not the same as transmitting information to the user (page 18). Javascript teaches sending back cookie data, and displaying the user's name from cookie file (page 179, lines 1-12, page 187, par.2, pages 188-189, fig. 9.6). Once the user's identity is asserted (name is located)—background search--, it is selected, and transmitted to the user from cookie storage for display purposes. The name is then displayed to the user along with a greeting as to personalize the interaction with the user.

In addition, the Appellant reiterates that Javascript does not identify a user (page 19, parag. 7-page 21). As the Examiner indicated above, the user identifies himself to the website via the user's name entered into the prompt.

Further, the Appellant states that a single element of Javascript is being used to show 3 elements of claim 1 (page 21, last parags-page23). As the Examiner showed in the table above, several elements or steps of Javascript are chosen to teach limitations a-c.

Moreover, the Appellant points out that the selection of the name is not based upon a background research, because the same data is retrieved for all persons (page 25). The Examiner disagrees, because Javascript teaches remembering the name of each individual user who visits the website (page187, 1st, and last parag.)

Moreover, the Appellant notes that the background research is absent from Javascript, because a name display is not tantamount to a background research (page 25, last parag-page25, parag.1). Javascript does not merely display the name; it finds or searches the name out in the cookie file (page 188).

Moreover, the Appellant points out that no research is performed on the visitor (page 26, reason 2). The Examiner disagrees, because Javascript teaches remembering the name of each individual user who visits the website (page187, 1st, and last parag.). In other words, if John Q visits, the website, and the website greets him based on a cookie file search in a cookie jar full of cookies (page179, last parag), the research is done on John Q. The information sought and found is that of John Q—*research is done on the visitor*. John Q. has been positively identified, by characteristics such as his name.

Moreover, the Appellant argues that Javascript is not teaching the background research on the visitor, because there is no certainty that the name in the cookie is that of the visitor (page 27, reason 3). It seems that the Appellant is implying that the background research cited in the claim is error free 100% of the time. This is not found in the claim. The Appellant is welcomed to introduce such limitation into the claim. However, the fact remains that Javascript's teaching is primarily meant to identify the user visiting the web site. It does not refer to the identification of someone other than that user. I might agree with the Appellant, if the user was identified as an unintended consequence (an exception as to how Javascript is to operate, or an error of some kind).

Further, the Appellant points out that Javascript teaches the scenario wherein a visitor to the website is correctly identified (page 28). As previously indicated, Javascript teaches remembering the name of each individual user who visits the website (page 187, 1st, and last parag.)

Moreover, the Appellant remarks that the behind the scenes search does not qualify as a background research (page 29, 2nd response). The Examiner disagrees, because as shown by the rejection (page 4, lines 1-4), Javascript performs background or behind-the-scenes research on the user, and finds information associated with the user, such as user's name. As clearly put by the Appellant "the criterion is whether the subject matter of the research relates to the person in question. If not, then you are not researching his/her "background." (page 31, parag.2).

Art Unit: 2178

Therefore, Javascript is performing a background search on the user visiting the web site, since in finds information about that user.

Claim 2 stands rejected at least based on the same rationale stated above.

Regarding claim 5, Appellant argues that limitation e) is not taught by Javascript, namely the first and second information (page 33). The Examiner disagrees, because Javascript teaches sending a web page, having multiple frames—*first and second information*, to a user based on user's preferences, and user's request for the web page, when the user comes back to the page (page 179, and 187-189, fig.9.5-9.6). In this case, the frames, and the information within these frames comprise the first and second information. After, the user information is found in the cookie file, it is placed in a web page along with the frames, which serve to organize the information.

Regarding claim 6, Appellant argues that since Javascript does not disclose manner of display at all (page 35). The Examiner disagrees, because Javascript, teaches sending a web page, in the form of data—message-- having multiple frames—*first and second information*, to a user based on user's preferences (page 179, parag.2-7, and 187, parag. 1, and last, fig.9.5-9.6). In this case, the frames, and the information within these frames comprise the first and second information, which are displayed to the user.

Claims 8-9 are rejected at least based on the rationale stated above concerning claim 5.

Art Unit: 2178

Regarding claim 10, Appellant indicates that visitor specific information is not located based on the identity of the visitor (page 36-37). The Examiner disagrees, because Javascript teaches using cookies to remember or ascertain an identity of the user, retrieving preferences, such as name-- *visitor-specific information*--, frames, sending and viewing a web page based upon the remembrance of a user, as found in a cookie, visiting a web site (page 179, parag.2-7, page187).

Moreover, the Appellant indicates that "Under the PTO's interpretation, the "message of claim 10 would contain something like the following:

'Hello, visitor, your preferences are the following:

Blue background
12-point font
Times Bold font
Red text
480 x 640 screen size
etc . " (page 12, lines 6-page 13, line 5).

The Examiner disagrees, because according to Javascript the message would be as follows:

"Hello, visitor, your preferences are the following: web page content displayed with the following formatting:

Blue background
12-point font
Times Bold font
Red text
480 x 640 screen size
etc . "

In addition, Appellant states that the targeting of data in a screen is the inquiry recited in claim 10 (pages 39-40). The Examiner disagrees, because Javascript teaches a web page request, as the user returns to or loads—*inquiry*-- the web page, via a frame targeted link (page 179, parag.2-7, 178, and 187-189). In response to the loading of the web page, the personalized information is retrieved or derived, put together and sent to the user's browser for display.

Regarding claims 10-11, the Appellant submits that the visitor-specific information, and the response information contained within the message are not shown in Javascript (page 40, last parag.-page41). The Examiner disagrees, because Javascript teaches using cookies to retrieve a user's name—*identity*—and preferences, such as frames—*visitor-specific information*. A web page containing the name and the preferences is put together and sent back—transmitting the message-- for displaying at the user's browser (page 179, parag 2-8, page 187, page 178). Once the user's identity is asserted (name is located)—background search--, it is selected, and transmitted to the user from cookie storage for display purposes. The name is then displayed to the user along with a greeting as to personalize the interaction with the user.

Regarding claim 14, the Appellants notes that there is a contradiction in the rejection of “the first information” as found in claim 1, and one of its dependent claims—14, that in claim 1 “the information” is a name read from a cookie, and in claim 14, the same information is a web page having multiple frames (page 42). Although there appears to be a contradiction in the rejection of “the information”, this contradiction is cleared up, when one understands that Javascript teaches the retrieval a the user's identity as a name, along with preferences, such as

Art Unit: 2178

frames. A web page is created containing both the name and the frames, and is sent back to the requesting user (page 179, page 187, 1st, and last parag.). Therefore, it is apparent that there is no contradiction in this rejection.

Regarding claim 15, the Appellants notes that there is a contradiction in the rejection of “the second information” as found in claim 2, and its dependent claim 15, that in claim 2 “the second information” is a name read from a cookie, whereas in claim 15, the same second information is a web page having multiple frames (page 43). Although there appears to be a contradiction in the rejection of “the information”, this contradiction is cleared up, when one sees that Javascript teaches the retrieval a the user’s identity as a name, along with preferences, such as frames—*second information*. A web page is created containing both the name and the frames, and is sent back to the requesting user (page 179, page 187, 1st, and last parag.). Therefore, it is apparent that there is no contradiction in this rejection.

Regarding claim 13, Appellant notes that limitation d) is not present in the rejection (page 44). The Examiner disagrees, because the rejection states (page 9, lines 4-11) that articles—*deriving and selecting customer-specific information, and second information--* are retrieved based on a personal profile from appropriate web sites (according to Nehab col.10, lines 21-36).

In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “the claim

Art Unit: 2178

states that the web site makes the estimate of 'selected characteristics'", page 45, reason 1) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim does not specify that is the website that performs the estimate. According to the claim language, this could be performed by someone, or some component in another server on behalf of the website.

Moreover, the Appellant indicates that Nehab fails to teach limitation b (page 45, reason 2-reason 4). Nehab teaches that a web page is built based on what the website thinks—*estimate*- the user likes, for example, a website with articles on certain stocks, politics, baseball, basketball, football, etc.,--*selected characteristics* (col.8, lines 38-67).

Moreover, the Appellant indicates that Nehab fails to teach limitation asking whether user desires customer-specific information (page 47, parag.2). Nehab teaches that the user is prompted whether he wants customized information be delivered at certain time, the user then indicates whether or not information is to be delivered. The user can choose yes or no to information delivery (col.10, lines 21-36).

The Appellant also notes that limitation e) is not present in the rejection, because two different types of information are not compiled into a single message (page 47, 13(e)). The Examiner disagrees, because the rejection states (page 9, lines 4-11) that articles—*deriving and selecting customer-specific information, and second information*-- are retrieved, and compiled

Art Unit: 2178

into one web page that is transmitted for later viewing by the user (Nehab col.10, lines 30-44, col.11, line 60-col.12, line 37).

Regarding claim 3, the Appellant states that Nehab does not contact another web site (page 49, point 1). Nehab shows the later duplication of user's navigation preferences (col.8, lines 3-45). This indicates that the computer compiles news articles based on user's preferences as gathered from a navigation history.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the claimed 'contacting another web site' under the terms of claims 1, and 3 is done by the 'web site' of claim 1", page 50, point 2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim does not specify who or what is doing the contacting. This could be done by someone, or some component in another server on behalf of the website.

Further, the Appellant asks how does the name obtained from the cookie in claim 1 get include into the list of websites, so that the name could be obtained (page 50, point 3-page 53). Nehab shows the later duplication of user's navigation preferences (col.8, lines 3-45). It would have been obvious to one of ordinary skill to obtain the user's name from a cookie (Javascript), and retrieve articles based upon an estimation of user's tastes (Nehab), and include a web page

Art Unit: 2178

containing both the name identifying the user along with the personalized articles, because this would provide personalized experience containing relevant information (Nehab col. 2, lines 1-10, 40-67).

Regarding claim 4, the Appellant states that Nehab does not contact the same web site as the one contacted in claim 2 (page 53, missing element). Nehab shows the later duplication of user's navigation preferences as performed a first time around (col.8, lines 3-45). This indicates that the computer contacts the web site the user contacted the first time around to retrieve similar updated data. It would have been obvious to one of ordinary skill to combine Javascript, and Nehab, because this would provide personalized experience containing relevant information (Nehab col. 2, lines 1-10, 40-67).

Regarding claims 7, and 12, Appellant argues that the motivation to combine Javascript and Landan has no logical connection with Landan's email reports (pages 54-56). The Examiner disagrees, because Landan sends a web page report to a user via email (col.8, lines 50-54). In other words, personalized information thought to be needed by the user, is transmitted as a web page report via email, which would aid in gathering personalized information as it is Nehab's goal. Therefore, It would have been obvious to one of ordinary skill to combine Javascript, and Landan, because this would provide personalized experience containing relevant information regarding a problem with the website (as suggested by Landan col.2, lines 1-50, col.3, lines 27-67).

Art Unit: 2178

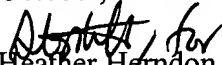
Conclusion

For all of the reasons stated above the Examiner believes that the rejections should be sustained.

Respectfully submitted,

Cesar B. Paula

October, 11 2005



Heather Herndon

HH(conf.)

Stephen Hong

SH(conf.)


STEPHEN HONG
SUPERVISORY PATENT EXAMINER


CESAR PAULA
PRIMARY EXAMINER